

# HOUSE BILL 358

E1, E4

0lr1593  
CF SB 274

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By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Ivey, Levi, Rice, and Walker**  
Introduced and read first time: January 28, 2010  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Violation of Restriction Against Possession of Firearms –**  
3 **Penalties**

4 FOR the purpose of expanding a certain prohibition against the possession of  
5 regulated firearms by a person convicted of a certain crime of violence or  
6 drug-related crime to apply to all firearms; increasing the maximum term of  
7 imprisonment that may be imposed for a violation of this Act; creating a certain  
8 exception regarding eligibility of a certain person for parole; and generally  
9 relating to restrictions against possession of firearms.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Safety  
12 Section 5–133(c)  
13 Annotated Code of Maryland  
14 (2003 Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Public Safety  
17 Section 5–143  
18 Annotated Code of Maryland  
19 (2003 Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Public Safety**

23 5–133.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (c) (1) A person may not possess a [regulated] firearm if the person was  
2 previously convicted of:

3 (i) a crime of violence; or

4 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §  
5 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article.

6 (2) A person who violates this subsection is guilty of a felony and on  
7 conviction is subject to imprisonment for not less than 5 years[, no part of which may  
8 be suspended.

9 (3) A person sentenced under paragraph (1) of this subsection may not  
10 be eligible for parole] **AND NOT EXCEEDING 15 YEARS.**

11 **(3) THE COURT MAY NOT SUSPEND ANY PART OF THE**  
12 **MANDATORY MINIMUM SENTENCE OF 5 YEARS.**

13 **(4) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE**  
14 **CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR**  
15 **PAROLE DURING THE MANDATORY MINIMUM SENTENCE.**

16 **[(4) (5)** Each violation of this subsection is a separate crime.  
17 5-143.

18 (a) Except as otherwise provided in this subtitle, a dealer or other person  
19 may not knowingly participate in the illegal sale, rental, transfer, purchase,  
20 possession, or receipt of a regulated firearm in violation of this subtitle.

21 (b) A person who violates this section is guilty of a misdemeanor and on  
22 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
23 \$10,000 or both.

24 (c) Each violation of this section is a separate crime.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2010.